

REMARKS

The Applicant appreciates the detailed examination evidenced by the Official Action mailed May 25, 2006, hereinafter ("the Official Action"). In particular, the Applicant appreciates the Examiner's indication that Dependent Claims 9 and 23 would be allowable if rewritten in independent form. Official Action, p. 8. Applicant has carefully considered the Official Action and the prior art references and has added herein new Claims 32-38. Reconsideration and allowance of the application is respectfully requested in view of the new claims presented above and for at least the reasons that are explained below.

I. Independent Claims 1, 15, 29, and 31 are Patentable Over Sterkel

Independent Claims 1, 15, 29, and 31 have been rejected under 35 U.S.C. Sec. 102(e) as being unpatentable over U.S. Patent No. 6,907,264 to Sterkel. *See* Official Action p. 2. The Applicant respectfully submits that Claims 1, 15, 29, and 31 are patentable over Sterkel for at least the reasons discussed below.

Regarding Claim 1, the claim recites a method of transferring data from/to an electronic device comprising:

transferring data from/to an electronic device when a removable **Subscriber Identity Module (SIM)** that stores information used to register the electronic device with a wireless communications network is absent from the electronic device.

Application, Claim 1 (emphasis added).

The Applicant respectfully submits that Sterkel does not teach or suggest, for example, transferring data from/to an electronic device when a removable SIM is absent from the device, as recited in Claim 1. Sterkel discloses a wireless telephone comprising a "basic telephone module" adapted to perform time-critical functions, and an "enhanced services module" adapted to perform non-time-critical functions. Sterkel, Abstract. "A combination of the enhanced services module 204 and the basic telephone module 202 can thus provide [non-time-critical] services without any need for supporting processing resources to be provided in the basic telephone module." Sterkel, col. 8 ln. 17-21.

In support of the rejection the Official Action cites the following text from Sterkel:

The enhanced services module interface function 316 also detects the presence or absence of the enhanced service module 204 in order to provide the ability to disable selected functions in the basic telephone module 202 in order to use the enhanced services module 204 in order to perform the functions.

Sterkel, col. 6, ln. 49-55.

The Applicant notes that cited text refers to "the presence or absence of the "enhanced services module," not the presence or absence of a SIM. The Applicant notes that the Official Action appears to interpret Sterkel's "enhanced services module" as a SIM, however, **Sterkel's "enhanced services module" is not a SIM.** Sterkel states that the "enhanced services module ... may include a SIM interface 250 for accepting an external SIM containing subscriber information." Sterkel col. 5, ln. 13-15. Sterkel clearly does not teach or suggest that the enhanced services module is a SIM. Moreover, Sterkel's limited discussion of a SIM relates to the desirability of including a SIM interface in the "enhanced services module," and does not teach or suggest that the "enhanced services module" is a SIM. *See* Sterkel col. 3, ln. 28-30 and col. 5, ln. 12-30.

Furthermore, the structure and functionality of Sterkel's "enhanced services module" is different from that of a SIM. The "enhanced services module" includes processing hardware including, *inter alia*, a microprocessor 234, associated memory 236, a supporting chipset 238, a power control system, a keypad and a display, all arranged in a system board to which optional hardware may be further attached. Sterkel, FIG. 2; and col. 5, ln. 62 to col. 6, ln. 37. Sterkel further states that the "enhanced services module" is optimized for performing non-time critical processes so that the "basic telephone module" does not have to perform such processes. *See* Sterkel, col. 2, ln. 26-34. A SIM card, on the other hand, is well known in the art and is a smart card containing, *inter alia*, the telephone number of the subscriber, encoded network identification details, and other user data such as the phone book. *See* Specification, p.2, ln. 1-5; *see also* Digital Cellular Telecommunications System (Phase 2+); Specification of the Subscriber Identity Module - Mobile Equipment (SIM - ME) interface (GSM 11.11), ver. 5.0.0, December 1995. Therefore, at least

for the reasons described above, the enhanced services module is not a SIM, and therefore, Claim 1 is patentable.

Moreover, even assuming for the sake of argument that Sterkel's "enhanced services module" is a SIM, Sterkel still does not teach or suggest a method of transferring data from/to an electronic device when the "enhanced services module" is absent from the electronic device. The Official Action states that "the basic telephone functions of Sterkel inherently includes sending and receiving data and voice information from/to its destination, therefore, the basic telephone function of Sterkel read on [sic] the transferring data from/to an electronic device of the present invention." Official Action, page 2, paragraph 2. However, the Official Action does not explain where the cited reference discloses a method of transferring data from/to an electronic device when a removable SIM is absent from the electronic device, as recited in Claim 1.

Therefore, at least per the reasons described above, the Applicant respectfully submits that Claim 1 is patentable.

Regarding Claim 15, the Official Action states that the claim includes the same limitations as those of Claim 1, "and therefore is interpreted and rejected for the same reasons set forth in the rejection of Claim 1." Official Action, p. 5. Because, as described above, Claim 1 is patentable over Sterkel, the Applicant submits that Claim 15 is patentable at least per analogous reasons to those described above for Claim 1, but also for its additionally recited elements.

Regarding Claims 29 and 31, the Official Action states that the claims include the same limitations as those of Claim 15, and therefore are interpreted and rejected for the same reasons set forth in rejection Claim 15. Because, as described above, Claim 15 is patentable over Sterkel, the Applicant submits that Claims 29 and 31 are patentable at least per analogous reasons to those described above for Claim 15, but also for their additionally recited elements.

In addition, dependent Claims 1-14, 16-28, and 30 are patentable at least per the patentability of the independent claim from which they depend, but also for their additionally recited elements. For example, Dependent Claim 2 recites a method according to Claim 1 further comprising:

determining that the SIM is absent from the electronic device; and

determining if a transfer mode is enabled to allow transferring data while the SIM is absent from the electronic device.

Sterkel does not teach or suggest determining if a transfer mode is enabled to allow transferring data while the SIM is absent from the electronic device. As described above regarding Claim 1, Sterkel never even discusses transferring data from/to an electronic device when a removable SIM is absent from the electronic device while the SIM is absent. Accordingly, even assuming for the sake of argument that Sterkel addresses determining if a SIM card is present in the electronic device, Sterkel never discusses determining if a transfer mode is enabled to allow transferring data while the SIM is absent from the electronic device, as recited in Claim 2. Therefore, for these additional reasons, Claim 2 is patentable over Sterkel.

II. New Claims 31-38 are Patentable Over Sterkel

New Claims 31-38 have been added which relate to methods of transferring data among electronic devices when a removable SIM is absent from one or both electronic devices, which is not disclosed or suggested by the prior art.

CONCLUSION

Applicant has shown herein that all pending claims are patentable for at least the reasons described above. Accordingly, Applicant respectfully requests the withdrawal of all rejections and the allowance of all claims in due course. If any informal matters arise, the Examiner is encouraged to contact the undersigned via telephone at (919) 854-1400.

Respectfully submitted,

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Serial No.: 10/617,325
Filed July 10, 2003
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